

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

THE WEATHER UNDERGROUND, INC.,
a Michigan corporation,

Plaintiff,

vs.

Case No. 2:09-CV-10756
Hon. Marianne O. Battani

NAVIGATION CATALYST SYSTEMS, INC.,
a Delaware corporation; CONNEXUS CORP.,
a Delaware corporation; FIRSTLOOK, INC.,
a Delaware corporation; and EPIC MEDIA
GROUP, INC., a Delaware corporation,

Defendants.

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**DEFENDANTS CONNEXUS CORPORATION, FIRSTLOOK, INC., AND
NAVIGATION CATALYST SYSTEMS, INC.'S OBJECTIONS TO PLAINTIFF'S
DESIGNATIONS IN DEPOSITION OF SETH JACOBY**

OBJECTIONS TO DEPOSITION DESIGNATIONS

Defendants Connexus Corporation, Firstlook, Inc., and Navigation Catalyst Systems, Inc. (collectively “Defendants”) hereby object to Plaintiff’s deposition designations in the Deposition Transcript of Seth Jacoby as follows:

<u>Deposition Designation</u>	<u>Objection</u>
p. 29:2-9	Irrelevant (FRE 401); lack of foundation (FRE 602)
p. 29:14-24	Irrelevant (FRE 401); lack of foundation (FRE 602)
p. 48:1-49:9	Improper lay opinion that calls for a legal conclusion (FRE 701).
p. 60:23-61:3	Lacks foundation (FRE 602).
p. 66:20-67:11	Lacks foundation (FRE 602).
p. 83:1-15	Lacks foundation (FRE602); improper lay opinion (FRE 701).
p. 84:4-8	Lacks foundation and speculative (FRE 602).
p. 85:9-12	Lacks foundation (FRE 602).
p. 85:18-21	Lacks foundation (FRE 602).
p. 86:1-4	Lacks foundation (FRE 602).
p. 86:5-93:5	Third party letters are irrelevant (FRE 401);

	content of letters constitute hearsay (FRE 802)
p. 93:10-15	Lacks foundation (FRE 602)
p. 102:14-107:6	Irrelevant (FRE 401); unfairly prejudicial (FRE 403).
P. 105:7-11	Lacks foundation (FRE 602).
p. 107:7-21	Lacks foundation (FRE 602); improper lay opinion (FRE 701).
p. 108:8-110:1	Attorney-client privilege; irrelevant (FRE 602).
p. 110:14-19	Lacks foundation, speculative (FRE 602).
p. 110:20-24	Irrelevant (FRE 401); unfairly prejudicial (FRE 403).
p. 111:21-24 and Exhibit 130.	Irrelevant (FRE 401); unfairly prejudicial (FRE 403).
p. 112:16-113:4	Lacks foundation (FRE 602); improper lay opinion (FRE 701).
p. 113:5-113:25	Lacks foundation (FRE 602).
p. 115:1-118:12	Irrelevant (FRE 401); unfairly prejudicial (FRE 403).
P. 118:13-138:10	Irrelevant (FRE 401).
p. 126:18-127:2	Lacks foundation (FRE 602).
p. 138:11-141:22	Irrelevant (FRE 401); unfairly prejudicial (FRE 403).

	403).
p. 141:23-142:2	Question misstates prior testimony and is argumentative; irrelevant (FRE 401).
p. 142:3-145:25	Irrelevant (FRE 401).
p. 159:23-179:25	Irrelevant and argumentative (FRE 401).
182:11-182:16	Irrelevant (FRE 401); constitutional right of privacy.
202:2-208:1	Irrelevant (FRE 401); unfairly prejudicial (FRE 403).
212:4-215:2	Irrelevant (FRE 401); lacks foundation (FRE 602)
215:3-218:9	Irrelevant (FRE 401).
222:3-226:21	Lacks foundation (FRE 602); irrelevant (FRE 401).
226:22-227:13	Lacks founds (FRE 602); improper lay opinion (FRE 701).
227:14-232:22	Irrelevant (FRE 401); unfairly prejudicial (FRE 403).
232:23-233:4	Improper lay opinion (FRE 701).
233:5-240:24	Irrelevant (FRE 401); unfairly prejudicial (FRE 403).

240:25-256:22	Irrelevant (FRE 401).
257:4-266:1	Irrelevant (FRE 401).
290:17-291:7	Irrelevant (FRE 401); unfairly prejudicial (FRE 403).
291:8-292:13	Irrelevant (FRE 401).
292:14-293:16	Lacks foundation (FRE 6020).

Defendants object to exhibits on the bases set forth in the Exhibit List filed with the Bench Book on February 28, 2012.

Respectfully Submitted,

Dated: May 25, 2012

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CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2012, I electronically filed the foregoing paper with the Court using the ECF system which will send notification of such filing to the following:

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